



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

February 6, 2007

The Honorable Judith T. Spang, Chairman  
Resources, Recreation, and Development Committee  
Room 305, LOB  
Concord, NH 03301

**RE: House Bill 460, Relative to conservation restrictions to protect public water supplies**

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 460. This bill would require public water systems that are public utilities to permanently protect by conservation restriction any lands acquired for the purpose of protection of public water supply sources. The Department of Environmental Services (DES) supports this bill.

For a number of years, the Governor and Legislature have funded through the DES budget a very successful source water protection grant program that provides state match to local funds for the acquisition of critical source water protection lands. HB 460 complements this program and other DES initiatives to protect critical source water protection lands.

The protection of New Hampshire's sources of public drinking water is critical for protection of the public health. To this end, we need to ensure to the extent practicable the permanent protection of undeveloped lands in watersheds near surface water supply intakes and around public water supply wells to minimize contamination risk. Source water protection is recognized to be a critical aspect of drinking water supply protection programs not only by DES but nationally by organizations such as the U.S. Environmental Protection Agency (USEPA) and the American Water Works Association (AWWA), the national association of water supply industry professionals. Both the USEPA and AWWA have well-established policies based on peer-reviewed research demonstrating that source water protection is critical as the frontline barrier to prevent contamination of public water supplies.

Finally, please note that the management and disposition of lands included in the rate base of public utilities is a complex issue beyond our area of expertise. We recommend that the Committee rely on the expertise of the Public Utilities Commission for input in this area.

If you have any questions or need additional information, please do not hesitate to call Sarah Pillsbury at 271-1168 or me at 271-3449.

Sincerely,

Thomas S. Burack  
Commissioner

cc: Representative Moodey  
Representative Brueggemann  
Representative Tupper  
Representative Wall  
Representative Harvey  
Senator Cilley

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